

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

IN RE GENETICALLY MODIFIED                    )  
RICE LITIGATION                                    )

4:06MD1811 CDP

**This Order Relates to:**

*Stephen R. Hale, et al.*

*v. Bayer AG, et al.*

4:09CV1689 CDP

**MEMORANDUM AND ORDER**

Plaintiffs’ move to file a second amended complaint,<sup>1</sup> in order to add a number of new plaintiffs. The amended complaint does not otherwise alter any of the plaintiffs’ existing claims or allegations. Defendants object by referencing their arguments in previous motions. Because I find that defendants have not demonstrated that this amendment will cause them any undue prejudice and for the reasons stated in my Order of September 2, 2010 [#3332], I will grant plaintiffs’ motion.

Accordingly,


**IT IS HEREBY ORDERED** that plaintiffs’ motion for leave to file a

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<sup>1</sup>Plaintiffs have actually filed two motions to file a second amended complaint. Although plaintiffs have not withdrawn their initial motion, it is apparent that plaintiffs wish to replace their initial motion with the motion they have titled a “supplemental” motion for leave to file a second amended complaint. As a result, this order addresses the supplemental motion for leave to file a second amended complaint and plaintiffs’ initial motion will be denied as moot.

supplemental second amended complaint [#4030] is GRANTED. Plaintiffs' amended complaint is deemed filed as of this day.

**IT IS FURTHER ORDERED** that plaintiffs' motion for leave to file a second amended complaint [#3947] is DENIED as moot.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 24th day of February, 2011.